

REG for refund
7/22/03

OFFICE OF FINANCE
REFUND BRANCH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

203 JUL -2 PM 3:56

In re application of US PATENT & TRADEMARK
Nakane, et al OFFICE

Application No.: 09/897,169 Attorney Docket No.: SUNSTAF-1001
Filed: July 2, 2001 Group Art Unit: 3746
For: Muffler For Compressor Examiner: Not Yet Assigned

REQUEST FOR REFUND UNDER 37 CFR 1.26

Commissioner for Patents
Mail Stop Office of Finance
P.O. Box 1450
Alexandria, VA 22313

Sir:

Upon review of the undersigned's April 2003 Statement (Exhibit A) for U.S. Patent Office Deposit Account No. 50-0462 an erroneous charge in the amount of \$130.00 was noted as being made on April 3, 2003 in connection with U.S. Application No. 09/897,169. This request is considered as being timely made since it is within the two-month time limit¹.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this paper, along with any document or paper referred to as being attached, is being deposited with the United States Postal Service as first class mail on June 27, 2003 under 37 CFR 1.8 in an envelope addressed to the Commissioner for Patents, Mail Stop Office of Finance, P.O. Box 1450, Alexandria, VA 22313.

Dyne Webb
Name of person mailing correspondence

Dyne Webb
Signature of person mailing correspondence

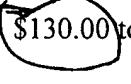
¹ The Deposit Account Statement having been available to the undersigned on April 30, 2003.

REMARKS

A Notice to File Missing Parts of Application – Filing Date Granted (Notice - Exhibit B) was mailed by the U.S. Patent Office on August 21, 2001. A Response (Response – Exhibit C) to the Notice was subsequently submitted on September 28, 2001. Accompanying the Response was a Declaration and Power of Attorney and a check in the amount of \$130.00 (Check No. 1560 – Exhibit D) as payment of the surcharge for the late submission of the Declaration and Power of Attorney. Also attached is a copy of the USPTO date stamped postcard (Exhibit E) confirming receipt of the Response, the Declaration and Power of Attorney and the check in the amount of \$130.00.

Due to a clerical error, the Response was incorrectly captioned as U.S. Application No. 09/891,169 (*emphasis added*) instead of U.S. Application No. 09/897,169. The clerical error was subsequently corrected after the Office issued a Notice of Abandonment (Exhibit F). The Notice of Abandonment was consequently withdrawn in a Decision on Petition dated February 25, 2003 (Exhibit G).

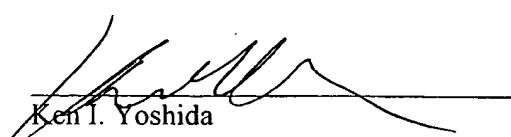
However, it appears that the \$130.00 check originally submitted on September 28, 2001 in response to the Notice was never correctly applied to the Response in the subject application. In order to fulfill the requirements for responding to the Notice to File Missing Parts and in view of the boiler plate language contained in the Response whereby the Commissioner is authorized to charge any additional fees which may be required to the deposit account, the Patent Office charged the undersigned's deposit account in the amount of \$130.00 on April 3, 2003. Therefore, the \$130.00 surcharge was apparently paid twice.

In view of the above, the undersigned respectfully requests a refund in the amount of  \$130.00 to be credited to Deposit Account No. 50-0462.

If the Office has any questions regarding this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

Date: June 27, 2003



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